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March 28, 2014

Via ECF and Facsimile

Hon. P. Kevin Castel
United States District Judge
United States District Court Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *In Touch Concepts, Inc. v. Cellco Partnership, et al*, 13 Civ. 1419 (PKC)

Dear Respected Judge Castel:

We represent plaintiff In Touch Concepts d/b/a Zcom (“Zcom”) and write with relation to correspondence from defendants’ lead counsel, Philip R. Sellinger, Esq., sent to Your Honor via facsimile earlier today.

Mr. Sellinger correctly notes that the parties jointly seek Your Honor’s endorsement of our proposed stipulation of discontinuance, appended to Mr. Sellinger’s correspondence of today, which would permit expeditious appellate review by the United States Court of Appeals for the Second Circuit. However, counsel’s letter is in error on one point and we wish the record to be clear.

Based upon the terms of the proposed stipulation, which is appended to Mr. Sellinger’s transmission to Your Honor, if Your Honor were to grant Zcom’s pending motion for reconsideration (DE 135), to the effect of vacating the prior Orders referenced in ¶ 6 of the proposed stipulation, then in accordance with ¶ 8 of the proposed stipulation there would not be a discontinuance as appellate review would not be necessary.

However, absent vacatur, an appeal would be necessary, and the framework established by the parties, under the initial guidance of Magistrate Freeman, would promote judicial efficiency.

We thank Your Honor for your attention to this matter.

Respectfully submitted,
THE LAW FIRM OF RAVI BATRA, P.C.
Attorneys for In Touch Concepts, Inc.
d/b/a Zcom

Ravi Batra (RB 4299)

A large, stylized handwritten signature in black ink, likely belonging to Ravi Batra, is written over the typed name and extends upwards into the text area.

cc:
Philip R. Sellinger, Esq. (Via ECF)

InTouchConcepts\032814JCastelltr